

Remarks

Claims 15-28 were pending in the application. Claims 15-28 were rejected. Claims 15-28 are amended. Claims 29 and 30 are added. Claims 15-30 are now pending. Claim 15 is the independent claim. Reconsideration of the amended application is respectfully requested.

The examiner rejected claims 27 and 28 under 35 USC §112 as being indefinite. Claims 27 and 28 are amended for clarity only, and it is submitted that these claims are now definite. The rejection, therefore, should be withdrawn.

The examiner rejected claims 15, 16, 21, and 23-28 under 35 USC §103(a) as being unpatentable over Hummer Jr.

Independent claim 15 has been amended for improved clarity only. As amended, claim 15 recites gym work-out equipment for the training of the chest, deltoids, trapeziums and triceps muscles. The equipment includes a moveable bench, and an assist system. The moveable bench includes a back-rest, and allows an athlete to do exercises with the back-rest in a horizontal position for stretching and pectoral crosses, a slanted position for pectoral crosses and an up-right position for deltoids and stretching with dumb-bells for triceps. The assist system includes servomechanism arms, a lift system, and a command device. The servomechanism arms are adapted to hold weights. The lift system is mechanical, hydraulic, electrical or pneumatic and is adapted to lift the arms. The command device controls the assist system when activated through the use of rods, pedals, switches or push buttons. The arms are adapted to lift the weights held by the arms under control of the command device, to assist the athlete without requiring the athlete to get up from or change the position of the bench.

In contrast, Hummer Jr. discloses a dumbbell spotter that is used to lift dumbbells used during exercise so that the weightlifter does not have to lift the weight from floor-level, and does not allow the weightlifter to adjust a height or position of the dumbbells while in the exercise position. Hummer Jr. notes that certain exercises require the use of muscles such as the shoulders and chest, but require the use of smaller and weaker muscles, such as the biceps, to pick the weights from floor-level. See column 1, lines 8-30 and column 2, lines 53-67.

Hummer Jr. discloses a lift mechanism consisting of a motor with cables and pulleys, used to lift dumbbells resting on plates 80, after activation of one of two pushbuttons 161 and 162. The pushbuttons are mounted in a control box 163 that is fixed to a side frame 12 or 14. See column 4, lines 47-59. The control box 163 is located on the side frame and away from the plate side of the lifting mechanism, requiring the weightlifter to walk around to begin lifting the dumbbells, and to walk back around to the control box to adjust the height of the dumbbells between sets. See Fig. 2. This is because Hummer Jr. intended for the device to be a means only for lifting the dumbbells from floor-level, and not for positioning the weights for exercise. See column 4, lines 54-59.

Hummer Jr. also discloses a foot support 180 to be used as support for the weightlifter during seated exercises. See column 7, line 56 through column 8, line 2. Thus, Hummer Jr. contemplates that the device should include an exercise region for use by the weightlifter once the dumbbells have been raised to the proper height. However, as shown in Fig. 2, the foot support 180 is located away from the area where the plates 80 support the dumbbells. It is clear once again that Hummer Jr. only intends for the device to lift the dumbbells from floor-level to the desired height, and not to position the weight for exercise. A weightlifter

using the Hummer Jr. device would position the dumbbells on the plates at floor-level, walk over to the control box to depress the proper pushbutton to raise the dumbbells to the desired height, walk back over to get the dumbbells, and then walk over to where the exercise would take place, such as in the area where the foot support is located. In contrast, the claimed equipment requires that the arms are adapted to lift the weights held by the arms under control of the command device, to assist the athlete without requiring the athlete to get up from or change the position of the bench. Hummer Jr. does not disclose or suggest a device that includes this claimed feature.

Modification of the Hummer Jr. device to include the claimed feature would require a patentable leap beyond that which is disclosed or suggested in the Hummer Jr. reference. For example, it might be possible to place a bench or other exercise support on the side of the disclosed device nearby to the dumbbell plates 80. However, doing so would interfere with vertical movement of the crossbar 34 as the dumbbells would be lifted into exercise position from floor-level, or lowered back to floor-level after exercise. Even if the exercise support were able to be placed in a position that would not interfere with the crossbar movement, the weightlifter would still have to get up from the bench in order to operate the control box 163. Given the physical constraints of the Hummer Jr. device made necessary due to the mechanical design, it is not possible for the exercise bench to be in a position such that the weightlifter is assisted by the device without requiring the athlete to get up from or change the position of the bench, as required by claim 15.

For at least the reasons noted above, it is respectfully submitted that Hummer Jr. does not anticipate or render obvious the invention as recited in claim 15. Claims 16, 21, and 23-28 depend from claim 15, and therefore also are not rendered obvious by the teachings of

Hummer Jr., for the reasons stated above, as well as because of the additional features recited therein.

For example, claim 16 recites the equipment of claim 15, wherein the arms are adapted to position the weights with respect to the bench and the exercise to be performed by the athlete. As noted above, there is no configuration of the Hummer Jr. device, whether disclosed, suggested, or imagined, that would allow the dumbbell plates to be positioned with respect to the bench and the exercise to be performed by the athlete, without necessitating several movements away from the bench by the weightlifter.

Claim 23 recites an adaptable foot rest of dimensions adequate to support and lodge the command device and to support the feet of the athlete performing the exercise on the bench. The examiner noted that Hummer Jr. disclose a foot support. However, the disclosed foot support does not have dimensions adequate to support and lodge the command device and to support the feet of the athlete performing the exercise on the bench, and Hummer Jr. do not disclose or suggest this capability or any need for this capability, as the control box is attached to the frame for use by a person in a standing position.

Claim 24 recites side panels forming a barrier to passers-by around the mechanical, hydraulic, electrical or pneumatic parts of the lift system. The examiner noted that Hummer Jr. discloses side frames 12 and 14, and asserted that these could protect passers-by. Please note that the screws 40 used to lift the plates 80, as well as the plates themselves and the associated arms, are necessarily disposed outside of the dimensions of the side frames 12 and 14, and offer no protection to passers-by. Further, the side frames 12 and 14 are merely vertical support structures, and cannot be fairly said to be side panels forming a barrier, nor could they reasonably be replaced by side panels, as they must support the pulley assembly.

Claim 25 recites that the side panels include advertising material. As noted above, Hummer Jr. does not disclose or suggest the claimed side panels. Further, Hummer Jr. does not disclose or suggest any form of advertising material. The examiner stated that the side frames 12 and 14 could be used for advertising material. However, it is not proper to use hindsight to determine that a reference could possibly have disclosed a certain feature in order to reject a claim that actually recites that feature, absent some disclosure or suggestion in the prior art. No prior art has been shown to disclose this feature, and it is respectfully submitted that the examiner has suggested the feature himself using only hindsight.

Claim 26 recites that the assist system is adapted to adjust the height of the arms to properly position the weights at the beginning of the exercise to adjust the height of the arms to properly accept the weights at the end of the exercise. The Hummer Jr. device positions the dumbbells for easy access by the weightlifter prior to an exercise. Hummer Jr. does not disclose or suggest separate positioning adjustments to accommodate the beginning and end of the exercise.

For at least the reasons noted above, it is submitted that Hummer Jr. does not render obvious the invention as recited in claims 15, 16, 21, and 23-28. The rejection of claims 15, 16, 21, and 23-28, therefore, should be withdrawn.

The examiner rejected claims 17-20 under 35 USC §103(a) as being unpatentable over Hummer Jr., in view of Slattery.

Claims 17-20 depend from claim 15. Claim 15 is discussed above with respect to Hummer Jr. Slattery discloses a spotting device, to assist a weightlifter in performing an exercise. See column 2, lines 1-19. Slattery does not overcome the deficiencies of Hummer

Jr. with respect to the invention as recited in claim 15, from which claims 17-20 depend. Further, the Hummer Jr. device could not be modified according to the Slattery device in order to lift the dumbbells from floor-level, according to the purpose of the Hummer Jr. device, and also position the dumbbells for use during exercise without moving the bench or requiring the weightlifter to leave the bench. For at least these reasons, no combination of the teachings of Hummer Jr. and Slattery could render obvious the invention as recited in claim 15, and therefore as recited in claims 17-20. The rejection of claims 17-20, therefore, should be withdrawn.

The examiner rejected claim 22 under 35 USC §103(a) as being unpatentable over Hummer Jr., in view of Anders et al.

Claim 22 depends from claim 15. Claim 15 is discussed above with respect to Hummer Jr. Anders et al. disclose a free-weight assistance and training device that performs a spotting function. See column 2, lines 48-51. Anders et al. do not overcome the deficiencies of Hummer Jr. with respect to the invention as recited in claim 15, from which claim 22 depends. Further, the Hummer Jr. device could not be modified according to the Anders et al. device in order to lift the dumbbells from floor-level, according to the purpose of the Hummer Jr. device, and also position the dumbbells for use during exercise without moving the bench or requiring the weightlifter to leave the bench. For at least these reasons, no combination of the teachings of Hummer Jr. and Anders et al. could render obvious the invention as recited in claim 15, and therefore as recited in claim 22.

Further, claim 22 recites an electronic switchboard that is adapted to store in memory data representing arm positions chosen by the athlete according to the type of exercises to be done, and to lift and position the arms during a later exercise session according to the stored

data. Anders et al. disclose the use of a computer-based control mechanism that controls the operation of the drive motors providing powered assistance to the device. See column 5, lines 53-67. The user can enter personal identification information, as well as particular exercise information relevant to the current exercise routine. See column 6, lines 4-20. However, Anders et al. do not disclose or suggest storing in memory data representing arm positions chosen by the athlete according to the type of exercises to be done, and to lift and position the arms during a later exercise session according to the stored data. Anders et al. only allow computer control of the current session.

For at least the reasons noted above, the rejection of claim 22 should be withdrawn.

It is submitted that all rejections have been overcome. It is therefore requested that the Amendment be entered, the claims allowed, and the case passed to issue.

Respectfully submitted,



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Date

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